

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VALERIAN DOBRE,

Defendant.

No. CR 07-00560-1 JSW

**ORDER DENYING AS MOOT  
DEFENDANT'S REQUEST TO  
OFFSET RESTITUTION**

On or about February 5, 2009, the Court received a letter from Defendant with respect to the restitution order in this case. In that letter, Defendant requested that the Court amend its judgment in this case to reduce the amount of restitution to be paid by \$201,575, which was seized by the United States Secret Service. The Court ordered the Government to respond to the Defendant's request. (Docket No. 48.)

In its initial response, the Government noted that because those funds had been administratively forfeited, Defendant was not entitled to a reduction in the restitution. The Government, however, also stated that it was seeking to restore the forfeited funds to be used as restitution. (Docket No. 49.) The Government asked for additional time to determine whether its request would be granted. (*Id.*) On April 7, 2009, the Government filed a Supplemental Response, in which it again asked for additional time to respond to Defendant's letter, because it had not yet received a response to its request to restore the forfeited funds. (Docket No. 52.)

On April 9, 2009, the Court granted that request, ordered the Government to file a further supplemental response on May 11, 2009, and ordered that Defendant would be permitted

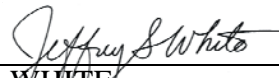
1 to file a reply brief by no later than May 26, 2009. (Docket No. 53.) The Court has not  
2 received a reply from the Defendant, and the matter is now ripe for submission.

3 In its Second Supplemental Response, the Government states that the Secret Service has  
4 voluntarily agreed to transfer the administratively forfeited funds to the victim in this case,  
5 Citibank. (Docket No. 54.) The Government also states that upon transfer, it will seek to have  
6 the restitution amount offset by the amount of the transfer.

7 Accordingly, Defendant's request to offset the restitution ordered at sentencing is  
8 DENIED AS MOOT.<sup>1</sup> It is FURTHER ORDERED that the Government shall submit a further  
9 status report to the Court by no later than June 26, 2009, advising the Court of the status of the  
10 transfer. It is FURTHER ORDERED that the Government shall serve a copy of this Order on  
11 the Defendant and the Office of the Public Defender.

12 **IT IS SO ORDERED.**

13 Dated: June 1, 2009

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 <sup>1</sup> The Court notes that when he submitted his letter to the Court, the Defendant  
28 submitted a letter he received from the United States Attorneys Office, that suggested the full  
amount of restitution was due and owing. The Court refers the Government to the Judgment  
in this case for the payment schedule set by the Court.